

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
ASPEN PARK METROPOLITAN DISTRICT (THE “DISTRICT”)
HELD
NOVEMBER 16, 2021

A regular meeting of the Board of Directors of the Aspen Park Metropolitan District (referred to hereafter as the “Board”) was convened on Tuesday, November 16, 2021, at 12:00 p.m. noon. This meeting was held via video conference using Microsoft Teams. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Sam Sours, President
Dennis Shirilla, Vice President
Rick Merkel, Secretary/ Treasurer
Fred Banfield, Assistant Secretary/Treasurer

Also, In Attendance Were:

Lisa Johnson, Rebecca Mannie and Gigi Pangindian; CliftonLarsonAllen LLP (“CLA”)
Clint Waldron Esq. and Heather Hartung Esq.; White Bear Ankele Tanaka & Waldron
Bryan LoBue; ORC Water Professionals
Michael Katalinich and Wei Ye; JVA, Inc.
Bill Berg; Martin & Wood Water Consultants, Inc.

ADMINISTRATIVE MATTERS

Call to Order / Quorum / Disclosures of Potential Conflicts of Interest: It was noted that a quorum of the Board was present, and therefore the meeting was called to order at 12:04 p.m. by Director Sours. Mr. Waldron reported that disclosures for those directors that provided White Bear Ankele Tanaka & Waldron with notice of potential or existing conflicts of interest were filed with the Secretary of State’s Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Mr. Waldron inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest with regard to any matters scheduled for discussion at the meeting. No additional disclosures were noted. The participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

Location of Meeting and Posting of Meeting Notices, Agenda: Upon a motion duly made by Director Merkel, seconded by Director Banfield and, upon vote, unanimously carried, the Board confirmed the location of the meeting and posting of the meeting notice and approved the November 16, 2021 Agenda as amended to discuss the purchase of replacement spare pump and sprinkler system and defer discussion of the Master Service Agreement with CLA.

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Public Comment: There was no public comment.

2022 Annual Administrative Resolution: Following review, upon a motion duly made by Director Banfield, seconded by Director Merkel and, upon vote, unanimously carried, the Board adopted the 2022 Annual Administrative Resolution and determined to hold regular Board meetings on the third Tuesday of February, May, August and November at noon via video teleconference.

CliftonLarsonAllen LLP Master Service Agreement and Related Statements of Work: Following discussion, the Board deferred this item.

CONSENT AGENDA

Approve Minutes of the August 17, 2021 Special Meeting

Accept September 2021 Water Accounting Report

Ratify Approval of Prior Claims Totaling \$122,464.43 and Approve Directors' Fees

Accept Bear Creek Watershed Association September Meeting Information Regarding TMDL

Accept Bear Creek Watershed Association November Meeting Information

Accept Utility Billing Collection Status Report

Ratify Independent Contractor Agreement with Inland Potable Services, Inc. (Storage Tank Inspection Services)

Ratify Independent Contractor Agreement with Empowercom, Inc. (Security Camera Upgrades)

Approve Independent Contractor Agreement with Velocity Plant Services (Repair of Discharge Pipe)

Approve Independent Contractor Agreement with The Bee (Annual Furnace Maintenance)

Approve First Addendum to Independent Contractor Agreement with The Bee (Furnace Replacement)

Approve Work Order No. 1 with Cummins Inc. for 2022 Preventative Generator Maintenance

Ms. Johnson reviewed the above items on the consent agenda with the Board. Mr. Waldron advised the Board that any item may be removed from the consent agenda to the regular agenda upon the request of any director. No items were requested to be removed from the consent agenda. Upon a motion duly made by Director Merkel, seconded by Director Banfield, the above items on the consent agenda were unanimously approved, accepted and ratified.

WATER RIGHTS UPDATE

Mr. Berg provided an update to the Board on the water rights matters.

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VILLAGES AT
ASPEN PARK
SHOPPING CENTER
UPDATES

Leasing Status: Director Merkel provided an update for the Board, noting there is a new owner at Golden Stix.

Delinquent PIF Accounts and Collection Efforts: It was reported that the one delinquent PIF account was collected since the previous Board meeting.

Other: None.

ENGINEERING
MATTERS

Status of Asphalt Project Work: Mr. Katalinich provided an update to the Board regarding efforts to solicit proposals for asphalt work. Three firms were contacted and one firm responded.

Agreement with DACS Asphalt & Concrete for Asphalt Work: Mr. Katalinich reviewed the agreement with the Board. Following review, upon a motion duly made by Director Merkel, seconded by Director Banfield and, upon vote, unanimously carried, the Board approved the Agreement with DACS Asphalt & Concrete for Asphalt Work in an amount not to exceed \$50,000.00. The Board requested the work to be completed this year, if possible.

Other: None.

OPERATIONS /
MAINTENANCE
MATTERS –
BRYAN LOBUE /
TOM SCHUBERT

Mr. LoBue presented the Operations and Maintenance report to the Board.

Grease Trap Inspections Program: Mr. LoBue provided an update to the Board regarding program efforts to date.

Updates to Rules and Regulations: This item was deferred.

Other:

Replacement of Spare Pump: The Board discussed replacing the spare pump in the amount of \$6,836.00. Mr. Katalinich recommended including this in the Capital Improvements Plan in the next five years or so.

Velocity Contract: Following review, upon a motion duly made by Director Shirilla, seconded by Director Merkel and, upon vote, unanimously carried, the Board approved the contract with Velocity for Items 1 and 2, with the addition of one more Pentair pump.

Irrigation System: Following discussion, upon a motion duly made by Director Shirilla, seconded by Director Merkel and, upon vote, unanimously carried, the Board approved the Independent Contractor Agreement with Colorado Sprinkler Service LLC in the amount of \$11,284.89.

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LEGAL MATTERS

Amended and Restated Public Improvement Fee (“PIF”) Collection Agreement: Attorney Waldron presented the PIF Collection Agreement with the Board, noting the comments were recently received so there was not time to incorporate them prior to the meeting. Following review, upon a motion duly made by Director Banfield, seconded by Director Merkel and, upon vote, unanimously carried, the Board approved the Amended and Restated PIF Collection Agreement, subject to final review by Legal Counsel and the PIF collection service provider.

Resolution Calling November 2, 2021 Election: Attorney Waldon presented the election resolution to the Board. Following review, upon a motion duly made by Director Merkel, seconded by Director Shirilla and, upon vote, unanimously carried, the Board adopted the Resolution Calling for a Regular Election for Directors on May 3, 2022, appointed the DEO and authorized the DEO to perform all tasks required for the conduct of a mail ballot election and confirmation of the two methods for providing call for nominations by emailing/ mailing and posting on the District’s website.

2022 Annual Service Contracts: Attorney Waldron reviewed the 2022 annual service contracts with the Board. No action was taken.

Other: None.

FINANCIAL MATTERS

September 30, 2021 Financial Statements: Ms. Pangindian presented the September 30, 2021 Financial Statements to the Board.

Public Hearing on Amendment of the 2021 Budget. Adoption of Resolution to Amend 2021 Budget: The public hearing to consider an amendment of the 2021 budget was opened at 1:10 p.m.

It was noted that publication of notice stating that the Board would consider an amendment of the 2021 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to the public hearing.

No public comments were received, and the public hearing was closed at 1:14 p.m.

Ms. Pangindian reviewed the 2021 budget amendment. Following discussion, upon a motion duly made by Director Shirilla, seconded by Director Merkel and, upon vote, unanimously carried, the Board adopted the Resolution to Amend 2021 Budget.

Public Hearing on the Proposed 2022 Budget and Adoption of Resolution to Adopt 2022 Budget, Appropriate Expenditure and Certify Mill Levies:

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The public hearing to consider adopting the 2022 budget was opened at 1:10 p.m.

It was noted that publication of Notice stating that the Board would consider adopting the 2022 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to the public hearing.

No public comments were received, and the public hearing was closed at 1:14 p.m.

Ms. Pangindian reviewed the 2022 budget. Following discussion, upon a motion duly made by Director Merkel, seconded by Director Banfield and, upon vote, unanimously carried, the Board adopted the Resolution to Adopt 2022 Budget, Appropriate Expenditure and Certify Mill Levies and set the mill levy at 60.000 mills.

Engagement Letter with Haynie and Company to Prepare 2021 Audit:

Following discussion, upon a motion duly made by Director Banfield, seconded by Director Shirilla and, upon vote, unanimously carried, the Board approved the Engagement Letter with Haynie and Company to prepare the 2021 Audit.

Resolution Adopting Schedule of Fess for 2022: Ms. Johnson presented the fee schedule for 2022, which includes a 5% increase in water and sewer fees. It was noted that notice of the consideration of a change in fees was posted on the Special District Association and District websites at least 30 days prior to the meeting. Following discussion, upon a motion duly made by Director Merkel, seconded by Director Shirilla and, upon vote, unanimously carried, the Board approved the Resolution Adopting Schedule of Fees for 2022.

Other: None.

OTHER BUSINESS

Website Management and Future Responsibility: Ms. Johnson presented the options to the Board. Following discussion, Director Sours directed CLA to report to the Board how the CLA proposed costs compare to keeping the existing site via Wordpress and having someone else manage it versus CLA managing it. He suggested a possible bid from another provider so the Board can compare costs.

Quorum for February 15, 2022 Regular Meeting: A quorum was confirmed.

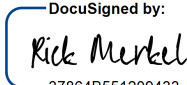
Other: Director Shirilla announced his resignation from the Board, effective at the conclusion of this Board meeting. The Board thanked Director Shirilla for his services. Director Sours accepted his resignation and wished him well.

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ADJOURNMENT

There being no further business to come before the Board at this time, the meeting was adjourned at 2:00 p.m. by Director Sours.

Respectfully submitted,

By  _____
Secretary for the Meeting

Certificate Of Completion

Envelope Id: 2028113100454415B4B7ADEF820CC5C	Status: Completed
Subject: Please DocuSign: APMD - Minutes 11-16-2021.pdf	
Client Name: Aspen Park Metro Park	
Client Number: 011-042190	
Source Envelope:	
Document Pages: 6	Signatures: 1
Certificate Pages: 4	Initials: 0
AutoNav: Enabled	Envelope Originator:
Enveloped Stamping: Enabled	Natalie Herschberg
Time Zone: (UTC-06:00) Central Time (US & Canada)	220 South 6th Street
	Suite 300
	Minneapolis, MN 55402
	Natalie.Herschberg@claconnect.com
	IP Address: 165.225.10.148

Record Tracking

Status: Original	Holder: Natalie Herschberg	Location: DocuSign
2/18/2022 3:10:34 PM	Natalie.Herschberg@claconnect.com	

Signer Events

Rick Merkel
 rmerkel@thekroenkegroup.com
 Property Manager
 Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

 37864B551209433...
 Signature Adoption: Pre-selected Style
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Timestamp

Sent: 2/18/2022 3:11:27 PM
 Viewed: 2/18/2022 3:30:47 PM
 Signed: 2/18/2022 3:30:58 PM

Electronic Record and Signature Disclosure:
 Accepted: 2/18/2022 3:30:47 PM
 ID: 029ed40c-2b5c-4e15-9a64-94fa1b9b3dae

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Status

Timestamp

Witness Events

Signature

Timestamp

Notary Events

Signature

Timestamp

Envelope Summary Events

Status

Timestamps

Envelope Sent	Hashed/Encrypted	2/18/2022 3:11:27 PM
Certified Delivered	Security Checked	2/18/2022 3:30:47 PM
Signing Complete	Security Checked	2/18/2022 3:30:58 PM
Completed	Security Checked	2/18/2022 3:30:58 PM

Payment Events

Status

Timestamps

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